

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



GLOBAL BANKCARD SERVICES, INC.,)
et al.,)

Plaintiff/Third Party Defendants,)

v.)

Civil Action No. 1:11-cv-00110 (IDD)

GLOBAL MERCHANT SERVICES,)
INC.,)

Defendant/Third Party Plaintiff.)

ORDER

FOR REASONS articulated in the Memorandum Opinion accompanying this Order and in response to the Counterclaim/Third Party Defendants' Motion to Dismiss Resubmitted First Amended Counterclaim and Third Party Claim [41], it is hereby

ORDERED that the Counterclaim/Third Party Defendants' Motion to Dismiss Resubmitted First Amended Counterclaim and Third Party Claim [41] is **GRANTED in part** and **DENIED in part**. The motion is **GRANTED** as to Counts II, VIII, and X; therefore, it is further

ORDERED that Counts II, VIII, and X of Third Party Plaintiff's, Global Merchant Services, Inc., Resubmitted First Amended Counterclaim and Third Party Complaint are dismissed without prejudice; it is further,

ORDERED that the motion is **GRANTED in part** and **DENIED in part** as to Counts III and IX of the Counterclaim and Third Party Complaint. The motion is **DENIED** as to Kim and **GRANTED** as to GBS and GDS. In that regard, it is further

ORDERED that Counts III and IX of Third Party Plaintiff's Resubmitted First Amended

Counterclaim and Third Party Complaint are dismissed, without prejudice, against Third Party Defendants Global Bankcard Services, Inc. and Global Merchant Services, Inc. t/a Global Data Services. The motion is **DENIED** as to Counts I, IV and V. Furthermore, the motion is **DENIED** as moot as to Counts VI, VII, and XI. It is further

ORDERED that the Third Party Plaintiff file a second amended counterclaim and third party complaint in accordance with this Court's Order by no later than 5 p.m. on June 10, 2011; it is further

ORDERED that the Answer to the Resubmitted Counterclaim and Third Party Complaint [52] is also dismissed, and the Third Party Defendants shall file their responsive pleading no later than 5 p.m. on June 17, 2011. And it is further

ORDERED that the final pretrial conference scheduled for 11:00 a.m. on July 21, 2011 be continued to 11:00 a.m. on July 28, 2011.

The Clerk is directed to forward copies of this Order to all counsel of record.

ENTERED this 7th day of June 2011.

 /s/ _____
Ivan D. Davis
United States Magistrate Judge

Alexandria, Virginia